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HOUSE BILL 578

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Gail C. Beam

AN ACT

RELATING TO CRIME VICTIMS; REQUIRING EMPLOYERS TO GRANT  
EMPLOYMENT LEAVE TO CRIME VICTIMS FOR ATTENDING COURT  
PROCEEDINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Victims of Crime Act is  
enacted to read:

"[NEW MATERIAL] CRIME VICTIM EMPLOYMENT LEAVE--  
CONFIDENTIALITY.--

A. An employer that has twenty-five or more  
employees for each working day in each of twenty or more  
calendar weeks in the current or preceding calendar year shall  
allow an employee who is a victim to leave work to exercise the  
employee's right to be present at proceedings that the victim  
has a right to attend.

underscoring material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

1           B. An employer shall not dismiss an employee who is  
2 a victim of a crime because the employee exercises the right to  
3 leave work pursuant to Subsection A of this section.

4           C. An employer is not required to compensate an  
5 employee who is a victim of a crime when the employee leaves  
6 work pursuant to Subsection A of this section.

7           D. If an employee leaves work pursuant to  
8 Subsection A of this section, the employee may elect to use or  
9 an employer may require the employee to use the employee's  
10 annual, vacation, personal or sick leave.

11           E. An employee who is a victim of a crime shall not  
12 lose seniority or precedence while absent from employment  
13 pursuant to Subsection A of this section.

14           F. Before an employee may leave work pursuant to  
15 Subsection A of this section, the employee shall:

16                   (1) provide the employer with a copy of the  
17 documents provided by the district attorney pursuant to the  
18 provisions of Section 31-26-9 NMSA 1978; and

19                   (2) if applicable, give the employer a copy of  
20 the notice of each scheduled proceeding that is provided to the  
21 victim.

22           G. An employer shall not refuse to employ,  
23 discharge from employment or discriminate against an employee  
24 in the terms, conditions or privileges of employment because  
25 the employee exercises rights pursuant to this section.

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